

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALICE A. AGOSTINI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07-180
	)	
FRIENDSHIP VILLAGE OF SOUTH HILLS,	)	Judge Conti
LIFE CARE COMMUNITIES, INC.,	)	Magistrate Judge Hay
RUSSELL FIREWICZ, JOAN AMON,	)	
JEAN STEINER,	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, this 24<sup>th</sup> day of March, 2008, after the plaintiff, Alice A. Agostini, filed an action in the above-captioned case, and after a motion to dismiss was filed by defendants, and after a motion for leave to file an amended complaint was submitted by plaintiff, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until March 20, 2008, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that plaintiff's Motion for Leave to Amend Complaint [Dkt. 21] is GRANTED.

IT IS FURTHER ORDERED that the motion to dismiss submitted on behalf of defendants [Dkt. 18], as it pertains to the Second Amended Complaint, is GRANTED IN PART and DENIED IN PART as follows: Defendants' motion is granted to the extent that plaintiff seeks to raise claims under Title VII and the ADEA based on discrete acts of discrimination occurring prior to November 5, 2004, and to the extent she has raised claims under the PHRA for

discrete acts of discrimination that occurred prior to March 5, 2005, as they are untimely. With respect to plaintiff's claims of gender based hostile work environment under Title VII, the ADEA and the PHRA, defendants's motion is denied as it appears that at least one act contributing to the alleged hostile environment occurred within the relevant limitation periods. Similarly, with respect to plaintiff's claims of hostile work environment based on age, plaintiff's claims brought under Title VII and the ADEA are timely and, thus, defendants' motion in this regard is denied. Plaintiff, however, has failed to allege any acts that contributed to a hostile work environment based on her age that occurred after March 5, 2005, and, thus, defendants' motion is granted as to plaintiff's age based hostile work environment claims brought pursuant to the PHRA. Finally, because plaintiff has abandoned her claim for compensatory damages under the ADEA and her claim for punitive damages under the PHRA in the Second Amended Complaint, to the extent that defendants seek to have those claims dismissed, defendants' motion is dismissed as moot.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

All Counsel of Record by electronic filing